

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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YONG SUNG KIM, :  
:  
Plaintiff, : ORDER  
:  
-v.- : 20 Civ. 3344 (GWG)  
PAL BERG, et al., :  
Defendants. :  
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GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

It has come to the Court's attention that there was a jury demand in this case by the defendant and thus that the undersigned will not be the trier of fact. Nonetheless, some of the same concerns apply as were expressed in the Court's Order of May 20, 2021. Accordingly, that Order (Docket # 31) is superseded with the following:

The Court does not normally hold a settlement conference in a case in which it presides over the trial. The Court would be prepared to do so if each client signs a statement or a letter stating, in substance, that 1) they understand that the undersigned will preside over the trial of this case if it does not settle; 2) at any mediation before the undersigned, the undersigned will talk privately to the opposing side and may give opinions about the case, including its potential outcome; 3) they understand they have the option to have a neutral mediator appointed solely for the purpose of conducting a mediation; 4) they will not have any ability to remove the undersigned from the case on the ground that the undersigned held a mediation or made any statements about the case at the mediation; and 5) knowing all this, they still prefer to have the judge who will try this case conduct the mediation. If both clients sign statements so stating, they should be filed together as an attachment to a single letter from an attorney requesting the scheduling of a settlement conference. The letter may propose dates or a range of dates for such a conference.

Dated: New York, New York  
May 21, 2021

SO ORDERED:

  
GABRIEL W. CORENSTEIN  
United States Magistrate Judge